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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,811	03/16/2001	Marysue Lucci Hansell	M1196/20001	6793

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EXAMINER

CARDONE, JASON D

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,811

Applicant(s)

HANSELL ET AL.

Examiner

Jason D. Cardone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the amendment of the applicants, filed on 6/9/05.

Claims 1-6 and 8-19 are presented for further examination.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Specification is silent on a message user objective and training objective, disclosed in claims 12 and 13.

4. Claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Specification does not disclose how to show employee specific positive or negative reinforcement event. One of ordinary skill in the art would not understand how to enable claims 15 and 16.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-6 and 8-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 discloses a method for performing business communications. Claim 1 only discloses a data structure for animation. Therefore claim 1 is not a tangible embodiment and non-statutory.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6 and 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota, USPN 6,477,437, in view of Bro, USPN 6,249,809.

9. Regarding claim 1, Hirota discloses a method for performing business-training communications, comprising the steps of: determining a targeted business [Hirota, col. 2, lines 41-50 and col. 7, line 66 – col. 8, line 13];

performing a needs analysis of an event of the targeted business [Hirota, col. 10, lines 25-64 and col. 12; lines 33-43];

determining a plurality of business training messages in accordance with the analyzed event, providing an animation for each of the business-training messages in accordance with the plurality of determined business-training messages to provide a plurality of animation systems [Hirota, col. 10, line 49 – col. 11, line 10 and col. 12, line 39 – col. 13, line 7];

selecting a recipient event and a targeted message recipient [Hirota, col. 12, lines 33-43];

selecting an animation system of the plurality of animation systems in accordance with the recipient event and the business-training message of the selected animation system and applying the selected animation system to the targeted recipient [Hirota, col. 12, line 39 – col. 13, line 7, col. 14, lines 16-37 and col. 16, lines 10-49];

Hirota does not specifically disclose providing, selecting and applying the plurality of animation systems to a message user (ie. manager). However, Bro, in the same field of endeavor, discloses providing, selecting and applying messaging system to a message user [ie. employer messaging worker, Bro, col. 2, lines 11-56 and col. 3, lines 19-22]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the employer messaging the user, taught by Bro, into the animation messaging system, taught by Hirota, in order to have management more control over the use of the animation messages.

10. Regarding claims 2-4, Hirota-Bro further discloses transmitting an email directly to the targeted recipient and transmitting the animation files to the location of the

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targeted recipient, wherein loading and displaying the animation files using animation programming disposed at the location of the targeted recipient [Hirota, col. 18, lines 46-60] [Bro, col. 6, lines 39-58].

11. Regarding claim 5, Hirota-Bro further discloses providing a digital file containing a file of the selected animation system to the user; and applying a visual representation of the file selected animation system to the targeted recipient [Hirota, col. 12, lines 33-43] [Bro, col. 8, lines 57-65].

12. Regarding claims 6 and 7, Hirota-Bro further discloses a poster for applying the visual representation the selected animation system to the targeted recipient [Hirota, col. 16, lines 10-49] [Bro, col. 6, lines 39-58 and col. 8, lines 57-65].

13. Regarding claim 8 and 18, Hirota-Bro further discloses providing the plurality of animation systems to the message user and the target recipient by way of the Internet [Hirota, col. 2, lines 41-50] [Bro, col. 5, lines 16-37].

14. Regarding claims 9 and 10, Hirota-Bro further discloses providing the plurality of animation systems to the message user by way of a tangible recording medium, wherein the tangible recording medium comprises a CD-ROM [Hirota, col. 9, lines 16-33] [Bro, col. 4, lines 33-53].

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15. Regarding claim 11, Hirota-Bro further discloses selecting from the plurality of animation systems by the message user a further plurality of animation systems for applying the animation systems of the further plurality of animation system to at least one message recipient [Hirota, col. 12, line 39 – col. 13, line 7, col. 14, lines 16-37 and col. 16, lines 10-49] [Bro, col. 2, lines 11-56].

16. Regarding claims 12 and 13, Hirota-Bro further discloses selecting further plurality of animation systems by the message user in accordance with a single training objective or a plurality of training objectives [Hirota, col. 12, line 39 – col. 13, line 7] [Bro, col. 2, lines 11-56 and col. 3, lines 30-65].

17. Regarding claims 14-16, Hirota-Bro further discloses an event specific to the targeted employee, an employee specific positive reinforcement event or a negative reinforcement event [Hirota, col. 5, lines 16-27] [Bro, col. 2, lines 11-56 and col. 3, lines 30-65].

18. Regarding claims 17, Hirota-Bro further discloses an event specific to a plurality of employees [Hirota, col. 11, lines 27-61] [Bro, col. 2, lines 11-56].

19. Regarding claims 19, Hirota-Bro further discloses selecting the further plurality of animation systems by the message user from a catalog of system animations provided

to the message user along with the providing of step (e) [Hirota, col. 12, line 39 – col. 13, line 7] [Bro, col. 7, lines 48-60].

### ***Response to Arguments***

20. Applicant's arguments filed 6/9/05 have been fully considered but some are not persuasive.

21. (A) Applicants' believe enablement of claims 12 and 13 is found on page 7, lines 1-2 of the specification.

As to point (A), the specification states a training objective. The specification does not specifically disclose a plurality of animation systems by the message user in accordance with a single training objective or a plurality of training objectives. Therefore, claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement

22. (B) Applicants' believe enablement of claims 15 and 16 is found on page 12, lines 16-20 of the specification and is inherent in the specification.

As to point (B), the specification states providing feedback and transmitting a reinforcing message. The specification does not disclose how to show employee specific positive and negative reinforcement event. It would be difficult to one of ordinary skill in the art at the time of the invention to understand how to process claims 15 and 16 as part of the invention. Therefore, claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

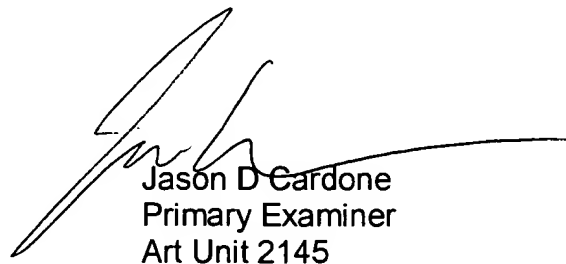


***Conclusion***

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone  
Primary Examiner  
Art Unit 2145

August 22, 2005